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May 18, 2021

VIA ECF

Honorable Vernon S. Broderick
United States District Judge
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007

The Clerk of Court is respectfully directed to terminate
docket entry 22.

SO ORDERED:


HON. VERNON S. BRODERICK 5/19/2021
UNITED STATES DISTRICT JUDGE

Re: *Recovery Effort Inc. v. Zeichner Ellman & Krause LLP, et al.*,
No. 19-cv-05641(VSB)

Dear Judge Broderick:

We represent defendants Wachtel Missry LLP and William B. Wachtel ("Wachtel Defendants") in the above-captioned action. We write in response to Your Honor's order, dated May 11, 2021 (Dkt. No. 56), requiring (i) the parties to file a letter update concerning the status of this case, and (ii) defendants to file a letter indicating whether their original motions to dismiss directed to the original complaint are moot.

1. We have reviewed the May 18, 2021 letter to Your Honor from Max Rodriguez, counsel for plaintiff Recovery Effort Inc. ("REI"), concerning REI's motion in the Bankruptcy Court for an order confirming that the Bankruptcy Code's automatic stay does not apply to certain non-bankruptcy litigation, including the above-captioned action, (ECF No. 258-1 in no. 19-bk-13895-JLG). The Wachtel Defendants are not a party to the Bankruptcy Court proceedings and cannot speak to Mr. Rodriguez's suggestion that Bankruptcy Judge Garrity "intended that this case should remain stayed on an interim basis through the eventual hearing date on [REI's] Not Stay Motion." We therefore take no position as to whether the above-captioned action should be stayed pending hearing of REI's motion in the Bankruptcy Court.

2. In response to Your Honor's request, this will confirm that the Wachtel Defendants' motion to dismiss the original complaint (Dkt. No. 22) is moot in light of REI's

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filing of a first amended complaint (Dkt. No. 35) and our fully briefed motion to dismiss the first amended complaint (Dkt. No. 42).

Thank you for Your Honor's consideration in this matter.

Respectfully yours,

/s/ Edward M. Spiro

Edward M. Spiro

cc: All counsel of record (via ECF)